

05-14-01 A

05/09/01  
JC962 U.S. PTO

Please type a plus sign (+) inside this box

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. 14058-009811

First Inventor Cheever, Martin, et al.

Title HER-2/NEU FUSION PROTEINS

Express Mail Label No. EL 827035155 US

09/05/01  
S-54356 PTO

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning design patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)

2.  Applicant claims small entity status.  
See 37 CFR 1.27.

3.  Specification [Total Pages 92]  
(preferred arrangement set forth below)

- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings ( if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 32 ]

5. Oath or Declaration [Total Pages 2 ]  
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63 (d))  
 (for a continuation/divisional with Box 18 completed)  
 i.  DELETION OF INVENTOR(S)  
 Signed statement attached deleting inventor(s)  
 named in the prior application, see 37 CFR  
 1.63(d)(2) and 1.33(b).

6.  Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 

- a.  Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
  - i.  CD-ROM or CD-R (2 copies); or
  - ii.  paper number of pages 33
- c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9.  Assignment Papers (cover sheet & document(s))

10.  37 C.F.R. §3.73(b) Statement  Power of (when there is an assignee) Attorney

11.  English Translation Document (if applicable)

12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations

13.  Preliminary Amendment

14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)

15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)

16.  Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent

17.  Other: Most of the enclosed documents are from the PARENT application, including Request for Correction of Recorded Assignment.

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP)

of prior application No. 09/493,480

Prior application information: Examiner J. Hunt

Group Art Unit: 1642

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label 20350 or  Correspondence address below  
(Insert Customer No. or Attach bar code label here)

Name				
Address				
City	State		Zip Code	
Country	Telephone		Fax	

Name (Print/Type)	Annette S. Parent	Registration No. (Attorney/Agent)	42,058
-------------------	-------------------	-----------------------------------	--------

Signature	Annette S. Parent	Date	May 9 2001
-----------	-------------------	------	------------

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

SF 1220770 v1

Express Mail No.  
EL 827035155 US

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 710)

Complete if Known	
Application Number	Unknown
Filing Date	May 9, 2001
First Named Inventor	Cheever, Martin, et al.
Examiner Name	Unassigned
Group Art Unit	Unassigned
Attorney Docket No.	14058-009811

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																																																																									
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <span style="border: 1px solid black; padding: 2px;">20-1430</span></p> <p>Deposit Account Name <span style="border: 1px solid black; padding: 2px;">Townsend and Townsend and Crew LLP</span></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive -- unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive -- unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt.</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="6">Other fee (specify)</td></tr> <tr> <td colspan="6">The Commissioner is authorized to charge any additional fees to the above noted Deposit Account</td></tr> <tr> <td colspan="6">*Reduced by Basic Filing Fee Paid</td></tr> <tr> <td colspan="6">SUBTOTAL (3) <span style="border: 1px solid black; padding: 2px;">(\$0)</span></td></tr> </tbody> </table>				Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet.		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	390	216	195	Extension for reply within second month		117	890	217	445	Extension for reply within third month		118	1,390	218	695	Extension for reply within fourth month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive -- unavoidable		141	1,240	241	620	Petition to revive -- unintentional		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	180	126	180	Submission of Information Disclosure Stmt.		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))		149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))		179	710	279	355	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify)						The Commissioner is authorized to charge any additional fees to the above noted Deposit Account						*Reduced by Basic Filing Fee Paid						SUBTOTAL (3) <span style="border: 1px solid black; padding: 2px;">(\$0)</span>					
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																								
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																																																									
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																																																																									
139	130	139	130	Non-English specification																																																																																																																																																																																																									
147	2,520	147	2,520	For filing a request for reexamination																																																																																																																																																																																																									
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																									
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																									
115	110	215	55	Extension for reply within first month																																																																																																																																																																																																									
116	390	216	195	Extension for reply within second month																																																																																																																																																																																																									
117	890	217	445	Extension for reply within third month																																																																																																																																																																																																									
118	1,390	218	695	Extension for reply within fourth month																																																																																																																																																																																																									
128	1,890	228	945	Extension for reply within fifth month																																																																																																																																																																																																									
119	310	219	155	Notice of Appeal																																																																																																																																																																																																									
120	310	220	155	Filing a brief in support of an appeal																																																																																																																																																																																																									
121	270	221	135	Request for oral hearing																																																																																																																																																																																																									
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																									
140	110	240	55	Petition to revive -- unavoidable																																																																																																																																																																																																									
141	1,240	241	620	Petition to revive -- unintentional																																																																																																																																																																																																									
142	1,240	242	620	Utility issue fee (or reissue)																																																																																																																																																																																																									
143	440	243	220	Design issue fee																																																																																																																																																																																																									
144	600	244	300	Plant issue fee																																																																																																																																																																																																									
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																																									
123	50	123	50	Petitions related to provisional applications																																																																																																																																																																																																									
126	180	126	180	Submission of Information Disclosure Stmt.																																																																																																																																																																																																									
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																									
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																																									
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																																									
179	710	279	355	Request for Continued Examination (RCE)																																																																																																																																																																																																									
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																																									
Other fee (specify)																																																																																																																																																																																																													
The Commissioner is authorized to charge any additional fees to the above noted Deposit Account																																																																																																																																																																																																													
*Reduced by Basic Filing Fee Paid																																																																																																																																																																																																													
SUBTOTAL (3) <span style="border: 1px solid black; padding: 2px;">(\$0)</span>																																																																																																																																																																																																													
**or number previously paid, if greater; For Reissues, see above																																																																																																																																																																																																													

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Annette S. Parent	Registration No. (Attorney/Agent)	42,058
Signature	<i>Annette S. Parent</i>		Date <span style="border: 1px solid black; padding: 2px;">May 9, 2001</span>

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. SF 1222489 v1

Express Mail No.  
EL 827035155 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cheever *et al.*

Application No.: Unknown

Filed: May 9, 2001

For: TARGETING ANTIGENS TO THE  
MHC CLASS I PROCESSING  
PATHWAY WITH AN ANTHRAX  
TOXIN FUSION PROTEIN

Examiner: Unassigned

Art Unit: Unassigned

STATEMENT UNDER 37 CFR §1.821(e)BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The computer readable form in this application is identical with the last filed computer readable form in Application No. 09/493,480, filed January 28, 2000. In accordance with 37 CFR 1.821(e), please use the computer readable form filed on February 12, 2001 in the 09/493,480 application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing filed on February 12, 2001 is filed herewith.

Respectfully submitted,

  
Annette S. Parent  
Reg. No. 42,058Express Mail No.  
EL 827035155 USTOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
SF 1220772 v1